



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0224-20
2. Advertiser :	SOJO Pty Ltd
3. Product :	Toiletries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	22-Jul-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.6 Health and Safety
AANA Code of Ethics\2.0 Other

DESCRIPTION OF ADVERTISEMENT

This television advertisement has three versions and is for Tradies deodorant. All three versions feature two men in a bathroom setting.

In the first version of the advertisement a man wearing a towel is shown holding a deodorant can towards the camera, and then applying the deodorant under his right arm. Another man appears from the bottom of the screen to his right and aggressively sniffs the mans armpit before exhaling and biting the air. The first man looks up and smiles and the second man winks at the camera before moving downwards out of the frame. A voice over then states, "Tradie body spray. Fresh pits and bits".

In the second version of the advertisement a man wearing a towel is shown holding a deodorant can towards the camera, and then applying the deodorant under his left arm. As he lowers his arm a second man then appears from the left of the screen and grabs onto the first man's arm, lifts it up and sniffs before exhaling, nodding and saying 'thanks mate' before walking away. The first man says, "no worries". A voice over then states, "Tradie body spray. Fresh pits and bits".

In the third version of the advertisement two men wearing towels around their waist stand next to each other. The men spray the deodorant under their own arms. The man on the left looks down at the man on the right and shakes his head at the fact the man on the right is wearing a much smaller towel. The man on the right looks



down then back at the camera and raises his eyebrows. A voice over then states, "Tradie body spray. Fresh pits and bits".

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

Sexually suggestive and explicit

The ad involves two men in towels spraying themselves with the body spray and then smelling each others armpits or making suggestive facial expressions about how their towels are. It is very much indicating a sexual attraction between the two and would not be tolerated if it were two women or a man and a woman

The homosexual innuendo is offensive

I feel the ad could promote solvent abuse as when the male sprays the body spray, the other male is too quick to inhale it

The men in the ads spray deodorant and then the narrator says "for pits and bits", making the suggestive moves that make it look like they aren't just gonna sniff each other's pits, but also their bits.

It is disgusting to see a man sniffing and rubbing his nose in another man's armpit and go to bite his nipple. It is offensive

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

As an advertiser we have no intention of offending the viewing public. In fact our aim is to entertain and leave the viewer with a smile using Australian humour and the "larrikinisms" which our ambassadors Nick 'Honey Badger' Cummins and The Inspired Unemployed in particular are well known and loved for by Australians. In saying this we will never make every member of the general public happy or comfortable with his persona and profile.

For the general information of the standards board our target audience is:

Primary: Mum's who do the body spray purchasing for their families at the supermarket. We want them to see the brand as a great Australian brand for their families which is good quality and fun.

Secondary; Australian families – in particular males aged 18-26 who need to relate to the brand as something they would use.



Please note we've made the same type of humorous adverts for the past 5 years and we have had no issues. Past adverts include;

Year 1 Advert

<https://www.youtube.com/watch?v=TZJU1YfLtHI>

Year 2 Advert

https://www.youtube.com/watch?v=_le7yQ5I8UI

Year 3 Advert

<https://www.youtube.com/watch?v=zsfxk-XeBWQ>

<https://www.youtube.com/watch?v=fN7S4PLQZC0>

Year 4 Advert

<https://www.youtube.com/watch?v=qEK4v18EfUM>

<https://www.youtube.com/watch?v=29ocHal4CjQ>

<https://www.youtube.com/watch?v=8YLuj8auKIA>

*Our advertising scripts go through testing with target audience as part of our script writing process. Once produced to ensure that our TVCs hit the mark our advertising agency holds qualitative research to get feedback on the response of the ads. We have received virtually hundreds of posts and feedback on the likability of our ads and the characters of *The Inspired Unemployed*.*

I hope the Ad Standard review finds in the positive for our advertising and I look forward to your correspondence.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement:

- Is repulsive and disgusting
- Contains homosexual innuendo and is offensive
- Is sexually suggestive and explicit
- Suggests that the men are going to sniff each others 'bits'
- Could promote solvent abuse.

The Panel viewed the three versions of the advertisement and noted the advertiser's response.

The Panel noted the complainants' concern that the advertisement is repulsive and disgusting.

The Panel acknowledged that many viewers would find the advertisements to be in poor taste however issues of poor taste are not an issue under Section 2 of the Code.



The Panel first considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the images depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel noted the complainants’ concerns that the advertisement is sexually suggestive and explicit and contains a suggestion that the men are going to sniff each others ‘bits’.

The Panel considered the reference to ‘bits’ in the three versions of the advertisement was a reference to how the product could be used, and was not a suggestion of sexual behaviour.

The Panel considered the scene in the first version of the advertisement where the man is seen to appear from the bottom of the screen, and disappears the same way. The Panel considered that the man appears on the right of the other man, not in front or touching him. The Panel considered that the man applying the deodorant is wearing a towel which is securely fastened at his waist, and does not move. The Panel considered that there is no depiction of sexually stimulating or suggestive behaviour in the advertisement, and that there was no sex in the advertisement.

The Panel considered whether the advertisement depicted sexuality.

The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that in the first and second versions of the advertisement the men were interacting in a very close manner. The Panel considered that this may be an indication of a homosexual relationship between the two men, however this could also be an indication of over-the-top locker-room behaviour between friends. The Panel considered that some members of the community may consider the interaction between the two men to be sexualised in nature and to be a depiction which looks at their capacity to experience and express sexual desire.

The Panel considered that in the third version of the advertisement the two men did not touch each other and there was no indication of a sexual relationship between the two men.



The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel considered that in all three versions of the advertisement the men were seen to be wearing a towel around their waists with their chests bare. The Panel noted that the towels worn by the men covered their genitals. The Panel considered that some members of the community would consider an image of men dressed in only in towels to be a depiction of partial nudity.

The Panel then considered whether the issues of sexuality and nudity were treated with sensitivity to the relevant audience.

The Panel considered the meaning of ‘sensitive’ and noted that the definition of sensitive in this context can be explained as indicating that ‘if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.’
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this advertisement had been given a ‘G’ rating by ClearAds, meaning that it, “May be broadcast at any time except during P and C (Children’s) programs or adjacent to P or C periods.” (https://www.clearads.com.au/wp-content/uploads/2020/02/ClearAds-Handbook-_Edition-8.1.pdf)

The Panel considered the relevant audience would therefore be broad and would likely include children.

The Panel noted the complainants’ concerns that the advertisement contains homosexual innuendo and is offensive.

The Panel considered that advertisers are free to use whoever they would like in their advertisements, so long as there was not a depiction which breached any provision of the Code. The Panel considered that an allusion to, or depiction of, homosexuality in itself does not breach any provision of the Code so long as that depiction treats the issues of sex, sexuality and nudity with sensitivity to the relevant audience.



The Panel considered that in versions one and two of the advertisement the men were seen to interact in a close manner and this may be an indication of a relationship between the two. The Panel considered that although the depictions of the men sniffing each other's armpits were unusual, this behaviour was not sexual or explicit. The Panel considered that most members of the community would not consider the behaviour in the advertisement to be inappropriately sexualised.

The Panel considered that the depiction of the men in towels was consistent with the bathroom setting of the advertisement and the product being advertised. The Panel considered that the men's genitals were fully covered by the towels, including the shorter towel depicted in the third version of the advertisement. The Panel considered that most members of the community would not consider the depiction of men in a bathroom wearing towels to be inappropriate for viewing by a broad audience.

The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and determined the advertisement did not breach Section 2.4 of the Code.

The Panel considered whether the advertisement complied with Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Panel noted the complainants' concerns that the advertisement could promote solvent abuse.

The Panel acknowledged that solvent abuse is a serious issue and care should be taken by advertisers when promoting products which may be abused in this way. However, in the current advertisements the Panel considered that the men were shown to be enjoying each other's smell after using the deodorant, and were not inhaling the deodorant spray directly or engaging in the behaviour in order to get high. The Panel considered that the advertisement did not depict or condone solvent abuse.

The Panel noted that the men in the first two versions of the advertisement were interacting in a way which was not consistent with current community guidelines relating to social distancing. The Panel acknowledged that current community standards around health and safety are that people should socially distance from others and should not interact or touch other people who are not in their household.

The Panel considered that advertisements which are not clearly set during the pandemic, which show people interacting in a manner which indicates that they know each other, and which do not contain a call-to-action which is against current health recommendation would be unlikely to be seen by most members of the community to be against prevailing community standards on health and safety.



The Panel considered that the relationship between the two men was not known, and it was not clear whether the men lived together. The Panel considered that the time and place of the advertisement was also not shown and it was not clear that this advertisement was set during the COVID-19 pandemic. The Panel considered that the advertisement did not contain any messaging or call to action which would encourage people to behave in a manner contrary to current health and safety recommendations.

The Panel considered that the advertisement did not contain material which would be contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.